S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4854/2007
(Indrapal Singh Vs. State of Rajasthan)

DATE OF ORDER : 27/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Suresh Kumbhat for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that two accused persons were caught with the illicit liquor namely Ramesh Chandra and Prakash. On being asked, they stated that they brought the liquor from Gudusingh. Gudusingh has been arrested and remanded to the judicial custody and granted bail. In the remand application, it is no where stated that Gudusingh informed the police that the illicit liquor was brought from the petitioner.

Looking to the facts and circumstances of the case and the fact that at the time of recovery, the petitioner was neither in possession nor with the vehicle, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Indrapal Singh S/o Raisingh in FIR No. 472/2007 P.S. Pratapgarh, district Chittorgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to

surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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